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**FILED**  
DEC 02 2005  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FRANCIE E. MOELLER, et al.

Case No. C 02 5849 MJJ ADR

Plaintiffs,

**JOINT STIPULATION RE:  
MODIFICATION OF CUT-OFF DATES**

v.

TACO BELL CORP.,

Defendant.

JOINT STIPULATION RE MODIFICATION OF CUT-OFF DATES  
Case No. C 02 5849 MJJ ADR

1 This stipulation is entered into by and among the parties hereto, Plaintiffs Francie  
2 Moeller, Edward Muegge, Katherine Corbett, and Craig Yates on behalf of a class of similarly  
3 situated individuals (collectively, "Plaintiffs") and Defendant Taco Bell Corp. ("Taco Bell"),  
4 through their respective undersigned attorneys, with reference to the following facts:

5 WHEREAS, pursuant to the proposed Order Appointing Special Master, the parties  
6 were to conclude a meet and confer process by September 30, 2005, and reach resolution regarding  
7 the compliance or non-compliance (as of the date of the Special Master survey) of architectural  
8 elements in California corporate Taco Bell restaurants, and to discuss proposed resolutions, the  
9 applicability of defenses, and a proposed implementation schedule;

10 WHEREAS, despite the September 30, 2005 cut-off for the meet and confer  
11 process, the parties have been unable to review and/or meet and confer on the compliance or non-  
12 compliance of elements for a majority of Taco Bell restaurants;

13 WHEREAS, during the meet and confer process, the parties discussed, and are  
14 currently working toward, an agreement that would simplify compliance and non-compliance  
15 determinations during the meet and confer process (the "Agreement");

16 WHEREAS, under the Agreement, the number of elements requiring adjudication  
17 by the Court in Stage 1 will be substantially reduced;

18 WHEREAS, the parties need additional time to finalize the Agreement and to  
19 conclude the meet and confer process;

20 IT IS THEREFORE STIPULATED AND AGREED, by and among the  
21 undersigned parties, through their counsel of record, that:

22 1. The cut-off dates proposed herein are contingent on the parties' execution of  
23 the Agreement. If the parties are unable to execute the Agreement, they will prepare a new  
24 schedule of cut-off dates for the Court's approval;

25 2. The parties have until March 10, 2006 to conclude the meet and confer  
26 process for Stage 1. For purposes of injunctive relief, any motion for leave to join third parties will  
27 be filed and served by April 10, 2006;

1                   3.     The parties will exchange "meet and confer charts"<sup>1</sup> in accordance with the  
2 following schedule:

3                   a.     Plaintiffs will provide Defendant with approximately 30 meet and  
4 confer charts by December 15, 2005. Defendant will provide complete responses to these charts by  
5 January 6, 2006;

6                   b.     Plaintiffs will provide Defendant with an additional approximately  
7 30 charts by January 6, 2006. Defendant will provide complete responses to these charts by  
8 January 20, 2006;

9                   c.     Plaintiffs will provide Defendant with an additional approximately  
10 30 charts by January 20, 2006. Defendant will provide complete responses to these charts by  
11 February 3, 2006;

12                  d.     Plaintiffs will provide Defendant with an additional approximately  
13 30 charts by February 3, 2006. Defendant will provide complete responses to these charts by  
14 February 17, 2006;

15                  e.     Plaintiffs will provide Defendant with all remaining charts by  
16 February 17, 2006. Defendant will provide complete responses to these charts by March 10, 2006;

17                  4.     Fact discovery cut-off for discovery between the class and Taco Bell will be  
18 extended from November 30, 2005 to April 10, 2006. Discovery between the parties and any third  
19 parties later joined to this case will not be limited by this discovery cut-off date. Plaintiffs reserve  
20 all objections with respect to such third parties;

21                  5.     Expert disclosures will be due on June 9, 2006, instead of December 30,  
22 2005;

23                  6.     Rebuttal expert disclosures will be due on July 10, 2006, instead of January  
24 31, 2006;

25 <sup>1</sup> "Meet and confer charts" are the documents that the parties have been using to narrow the  
26 issues in dispute in this case. Plaintiffs prepare the first round of meet and confer charts,  
27 identifying for each store that subset of the elements found by the Special Master to be out of  
28 compliance with current standards that Plaintiffs assert are out of compliance with the standards  
applicable to that store based on dates of construction and/or alteration. Defendant responds by  
indicating whether they agree or disagree with Plaintiffs' assertion and if they disagree, the  
grounds for the disagreement.

3                   8.       The dispositive motion deadline will be September 11, 2006, instead of  
4 March 31, 2006.

**RESPECTFULLY SUBMITTED,  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP**

By: Jeffrey H. Dasteel  
Jeffrey H. Dasteel  
Attorneys for Defendant  
Taco Bell Corp.

DATED: November \_\_, 2005      FOX & ROBERTSON P.C.

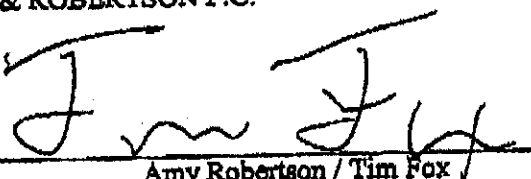
By: Amy Robertson / Tim Fox  
Attorneys for Plaintiffs

- 1                   7.     The expert discovery cut-off will be August 11, 2006, instead of February  
2 28, 2006; and  
3                   8.     The dispositive motion deadline will be September 11, 2006, instead of  
4 March 31, 2006.

5   RESPECTFULLY SUBMITTED,  
6 DATED: November \_\_, 2005           SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

7  
8   By: \_\_\_\_\_  
9   Jeffrey H. Dasteel  
10    Attorneys for Defendant  
  Taco Bell Corp.

11                   DATED: November 23, 2005           FOX & ROBERTSON P.C.

12  
13   By:   
14   Amy Robertson / Tim Fox  
15    Attorneys for Plaintiffs

**ORDER**

PURSUANT TO THE PARTIES' STIPULATION, IT IS HEREBY ORDERED

that:

1. The parties have until March 10, 2006 to conclude the meet and confer process for Stage 1. For purposes of injunctive relief, any motion for leave to join third parties will be filed and served by April 10, 2006;

3. The parties will exchange "meet and confer charts"<sup>2</sup> in accordance with the following schedule:

a. Plaintiffs will provide Defendant with approximately 30 meet and confer charts by December 15, 2005. Defendant will provide complete responses to these charts by January 6, 2006;

b. Plaintiffs will provide Defendant with an additional approximately 30 charts by January 6, 2006. Defendant will provide complete responses to these charts by January 20, 2006;

c. Plaintiffs will provide Defendant with an additional approximately 30 charts by January 20, 2006. Defendant will provide complete responses to these charts by February 3, 2006;

d. Plaintiffs will provide Defendant with an additional approximately 30 charts by February 3, 2006. Defendant will provide complete responses to these charts by February 17, 2006;

e. Plaintiffs will provide Defendant with all remaining charts by February 17, 2006. Defendant will provide complete responses to these charts by March 10, 2006;

4. Fact discovery cut-off for discovery between the class and Taco Bell will be extended from November 30, 2005 to April 10, 2006. Discovery between the parties and any third

<sup>2</sup> "Meet and confer charts" are the documents that the parties have been using to narrow the issues in dispute in this case. Plaintiffs prepare the first round of meet and confer charts, identifying for each store that subset of the elements found by the Special Master to be out of compliance with current standards that Plaintiffs assert are out of compliance with the standards applicable to that store based on dates of construction and/or alteration. Defendant responds by indicating whether they agree or disagree with Plaintiffs' assertion and if they disagree, the grounds for the disagreement.

1 parties later joined to this case will not be limited by this discovery cut-off date. Plaintiffs reserve  
2 all objections with respect to such third parties;

- 3           5.     Expert disclosures will be due on June 9, 2006;  
4           6.     Rebuttal expert disclosures will be due on July 10, 2006;  
5           7.     The expert discovery cut-off will be August 11, 2006; and  
6           8.     The dispositive motion deadline will be September 11, 2006.

7  
8 Dated: 11/29/2005

  
Honorable Martin J. Jenkins  
United States District Court

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